

REMARKS

Claims 1, 4-8 and 15 are presented for prosecution in the present application.

Claims 1 and 4-8 have been rejected over Reiss 4,032,028 in view of Landen 3,951,289. Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Independent claim 1 has been amended to recite a child-resistant package that includes a container 24 having a finish 28 with an open mouth, at least one continuous external thread 34 adjacent to the open mouth, and at least one external radial projection 32 spaced from the external thread on a side of the thread spaced from the mouth. (Numerals are employed to facilitate reference to the application drawings and not by way of limitation to the claim recitations.) A closure 22 has a base wall 56, a skirt 60 with at least one continuous internal thread 64 adjacent to the base wall for engagement with the external thread to thread the closure onto the finish, and at least one internal locking lug 76 spaced from the base wall and spaced from the at least one internal thread. The locking lug on the closure cooperates with the external projection on the container neck and a resilient annular wall on the closure to provide child resistance. The closure also includes at least one internal stop lug 78 on the skirt adjacent to but spaced from the internal locking lug 76 on the skirt for engagement with the external radial projection on the container finish to prevent over-tightening of the closure on the finish.

The Reiss reference discloses a thread-type child-resistant closure system that includes an external thread 30 on the container finish and a lug or projection 34 spaced from the lower end of the thread. Note that the external thread 30 is not continuous, but rather possesses a gap between the surfaces 48, 50 (FIG. 4). This gap

is critical to the disclosure in Reiss in that the gap receives a lug 42 on the closure thread segment 38 to provide child-resistant operation. The closure in Reiss includes spaced internal thread segments 36, 38, 40 - i.e., the internal thread structure on the closure is not continuous. The closure also includes a lug or projection 44 that cooperates with the projection 34 on the finish to prevent over-tightening of the closure onto the finish. In summary, the disclosure of the Reiss reference differs from the recitation of amended claim 1 at least as follows: (1) The external thread 30 on the container neck finish in Reiss is discontinuous rather than continuous, which is a critical feature and not an optional feature in Reiss; (2) The internal thread structure on the closure skirt in Reiss is discontinuous rather than continuous; (3) The closure locking lug 42 in Reiss is part of the thread segment 38, and thus is not spaced from the closure internal thread as recited in amended claim 1; (4) The stop element 44 on the closure in Reiss is not adjacent to the locking lug 42, and cannot be adjacent to the locking lug for proper operation .

The Landen reference is directed to a bayonet-type closure system, which is a completely different type of child-resistant closure system than the system disclosed in Reiss. Landen apparently is cited relative to claim 1 for disclosure of the use of an internal wall on the closure to develop the spring force for child-resistant operation, as distinguished from the liner 52 in Reiss. In any event, the Landen reference does not disclose or suggest the limitations of claim 1 discussed immediately above. Thus, amendment claim 1 is not taught or suggested by the combination of Reiss and Landen.

Dependant claim 4 has been amended to include the limitations of former claim 3. Claim 4 recites that the at least one external radial projection 32 on the container finish is located on the side of the external thread opposite from the open mouth, and has

a tangential leg portion and an axial leg portion at a clockwise end of the tangential leg portion. The tangential leg portion axially traps the internal locking lug on the closure skirt against the spring force provided by the annular wall on the closure. This trapping action is illustrated in application FIG. 6 and provides the child resistance recited in claim 1. In the primary Reiss reference, the only projection on the container finish is the projection 34 that functions to prevent over-threading of the closure onto the finish. The projection 34 in Reiss does not perform any child-resistance function with reference to the spring force that must be overcome to open the package. Rather, this child-resistance function is performed by the thread gap 48, 50 in cooperation with the lug 42 on the closure thread segment 38. The examiner cites the bayonet-style projections 13 in Landen, apparently suggesting that it would have been obvious to provide such bayonet-style projections in place of the stop lug 34 on the container finish in Reiss. However, the projections 13 in Landen perform the child-resistance function in that reference, which is performed in Reiss by the external thread gap 48, 50 and the lug 42 on the internal thread segment 38. The lug 34 in Reiss does not perform any child-resistance function. The examiner suggests that the proposed modification would provide "more secure engagement" between the closure and the container finish. However, it is not the function of the stop lug 34 in Reiss to provide "secure engagement." Rather, that function is performed by the thread gap 48, 50 and the lug 42 on the closure thread segment 38. It is respectfully submitted that the examiner's proposed modification of Reiss would provide two child-resistance structures in that reference, leading to a host of potential difficulties in both manufacturing and use of the resulting structure. Such a modification would hardly have been "obvious" to persons of ordinary skill in the art.

New claim 15 recites that the at least one locking lug 76 and the at least one stop lug 78 on the closure skirt are on an internal surface that is stepped radially outwardly from the skirt surface on which the at least one internal thread is disposed. This feature is clearly seen in application FIG. 7, as well as in other figures. This feature facilitates passage of the lugs over the external threads on the container finish, and is not disclosed or suggested by Reiss and Landen. Indeed, the lug 42 cannot be so disposed in Reiss for proper operation as disclosed in that reference.

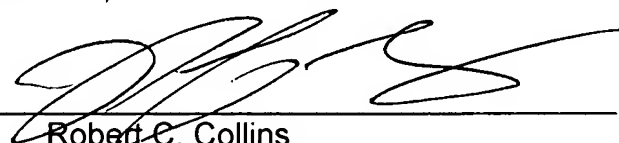
It therefore is believed and respectfully submitted that all claims 1, 4-8 and 15 remaining in the application are allowable at this time, and favorable action is respectfully solicited.

Please charge any fees associated with this submission to Account No. 50-0852.

Respectfully submitted,

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